

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

Meeting Date: August 16, 2006

Division: Growth Management

Bulk Item: Yes ☐ No ☒

Department: Planning and Environmental Res.

Staff Contact Person: Ty Symroski

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**AGENDA ITEM WORDING:**

MONROE COUNTY PLANNING DEPARTMENT is requesting a Future Land Use Map Amendment from unassigned to Conservation (C) for property legally described as Angel Fish Keys, PB4-83, Part Government Lot 1, Section 8, Township 59 South, Range 41 East and Part Government Lots 8, 9, and 10, Section 5, Township 59 South, Range 41 East, Ocean Reef, Key Largo, Monroe County, Florida, having real estate number: 00091510.000000.

MONROE COUNTY PLANNING DEPARTMENT is requesting a Land Use District Map amendment from Improved Subdivision (IS) to Conservation District (CD) for property legally described as Angel Fish Keys, PB4-83, Part Government Lot 1, Section 8, Township 59 South, Range 41 East and Part Government Lots 8, 9, and 10, Section 5, Township 59 South, Range 41 East, Ocean Reef, Key Largo, Monroe County, Florida, having real estate number: 00091510.000000.

(first of two public hearings)

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**ITEM BACKGROUND:**

This is a Planning Department-sponsored amendment. The Development Review Committee held a public hearing on this matter on May 23, 2006 and recommended approval of the amendment. The Planning Commission held a public hearing on this matter on June 28, 2006 and recommended approval of the amendment.

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**PREVIOUS RELEVANT BOCC ACTION:** None

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**CONTRACT/AGREEMENT CHANGES:** N/A

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**STAFF RECOMMENDATIONS:** Approval

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**TOTAL COST:** N/A

**BUDGETED:** Yes ☐ No ☐

**COST TO COUNTY:** N/A


**SOURCE OF FUNDS:** \_\_\_\_\_

**REVENUE PRODUCING:** Yes ☐ No ☐

**AMOUNT PER MONTH** \_\_\_\_\_ **Year** \_\_\_\_\_

**APPROVED BY:** County Atty ☒ OMB/Purchasing \_\_\_\_\_ Risk Management \_\_\_\_\_

**DIVISION DIRECTOR APPROVAL:**

 8/1/2-6  
Ty Symroski

**DOCUMENTATION:** Included ☒ Not Required ☐

**DISPOSITION:** \_\_\_\_\_

**AGENDA ITEM #** \_\_\_\_\_

**MONROE COUNTY YEAR 2010  
COMPREHENSIVE PLAN AMENDMENT  
FUTURE LAND USE MAP AMENDMENT FROM  
UNASSIGNED TO CONSERVATION (C)**

**AND**

**LAND USE DISTRICT MAP AMENDMENT FROM  
IMPROVED SUBDIVISION (IS) TO CONSERVATION DISTRICT (CD)**

**BOARD OF COUNTY COMMISSIONERS  
KEY LARGO  
AUGUST 16, 2006**

**PROPOSED FUTURE LAND USE MAP AMENDMENT  
UNASSIGNED TO CONSERVATION (C)**

**AND**

**PROPOSED LAND USE DISTRICT MAP AMENDMENT  
IMPROVED SUBDIVISION (IS) TO CONSERVATION DISTRICT (CD)**

**A REQUEST BY THE MONROE COUNTY PLANNING DEPARTMENT FOR A FUTURE LAND USE MAP (FLUM) AMENDMENT FROM UNASSIGNED TO CONSERVATION (C) FOR PROPERTY LEGALLY DESCRIBED AS ANGEL FISH KEYS, PB4-83, PART GOVERNMENT LOT 1, SECTION 8, TOWNSHIP 59 SOUTH, RANGE 41 EAST AND PART GOVERNMENT LOTS 8, 9, AND 10, SECTION 5, TOWNSHIP 59 SOUTH, RANGE 41 EAST, OCEAN REEF, KEY LARGO, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER: 00091510.000000.**

**A REQUEST BY THE MONROE COUNTY PLANNING DEPARTMENT FOR A LAND USE DISTRICT MAP AMENDMENT FROM IMPROVED SUBDIVISION (IS) TO CONSERVATION DISTRICT (CD) FOR PROPERTY LEGALLY DESCRIBED AS ANGEL FISH KEYS, PB4-83, PART GOVERNMENT LOT 1, SECTION 8, TOWNSHIP 59 SOUTH, RANGE 41 EAST AND PART GOVERNMENT LOTS 8, 9, AND 10, SECTION 5, TOWNSHIP 59 SOUTH, RANGE 41 EAST, OCEAN REEF, KEY LARGO, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER: 00091510.000000.**

**RECOMMENDATIONS**

**DRC: May 23, 2006  
PC: June 28, 2006**

## BOCC TRANSMITTAL RESOLUTION

**RESOLUTION NO.       -2006**

A RESOLUTION BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS **TRANSMITTING** TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS, A REQUEST BY THE MONROE COUNTY PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT TO DESIGNATE THE SUBJECT PROPERTIES AS CONSERVATION (C) ON THE FUTURE LAND USE MAP (FLUM) OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN. THE PROPERTIES ARE LEGALLY DESCRIBED AS ANGEL FISH KEYS, PB4-83, PART GOVERNMENT LOT 1, SECTION 8, TOWNSHIP 59S, RANGE 41E AND PART GOVERNMENT LOTS 8, 9, AND 10, SECTION 5, TOWNSHIP 59S, RANGE 41E, OCEAN REEF, KEY LARGO, MONROE COUNTY, FLORIDA. THE REAL ESTATE NUMBER IS 00091510.000000.

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**WHEREAS the Monroe County Board of County Commissioners makes the following findings of fact:**

1. The subject properties currently do not have a Future Land Use Map (FLUM) designation.
2. The Development Review Committee held a meeting on May 23, 2006 and recommended to the Planning Commission that they approve the proposed Future Land Use Map designation for the subject properties.
3. The Planning Commission acting as the Local Planning Agency held a duly advertised public hearing on June 28, 2006 and made a recommendation to the Board of County Commissioners that they approve the proposed Future Land Use Map designation for the subject properties.
4. The Monroe County Board of County Commissioners held a public hearing for the purpose of considering the transmittal to the Florida Department of Community Affairs for review and comment of a proposed amendment to the Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan for the properties described above.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:**

**Section 1.** The Board of County Commissioners does hereby adopt the recommendations of the Planning Commission pursuant to the draft ordinance for adoption of the proposed Future Land Use Map amendment.

**Section 2.** The Board of County Commissioners does hereby transmit the proposed amendment to the Florida Department of Community Affairs for review and comment in accordance with the provisions of Chapter 163.3184, Florida Statutes.

**Section 3.** The Monroe County staff is given authority to prepare and submit the required transmittal letter and supporting documents for the proposed amendment in accordance with the requirements of 9J-11.006 of the Florida Administrative Code; and

**Section 4.** The Clerk of the Board is hereby directed to forward a certified copy of this resolution to the Director of Planning.

**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida, at a regular meeting held on the 16<sup>th</sup> day of August, 2006.

Mayor Charles "Sonny" McCoy  
Mayor Pro Tem Dixie Spehar  
Commissioner George Neugent  
Commissioner \_\_\_\_\_  
Commissioner Glenn Patton

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

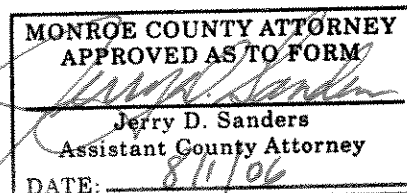
BOARD OF COUNTY COMMISSIONERS OF  
MONROE COUNTY, FLORIDA

BY \_\_\_\_\_  
Mayor Charles "Sonny" McCoy

(Seal)

ATTEST: DANNY L. KOLHAGE, CLERK

\_\_\_\_\_  
Deputy Clerk



**BOCC ORDINANCE TO AMEND  
THE FUTURE LAND USE DISTRICT MAP (FLUM)**



**ORDINANCE NO.:**

AN ORDINANCE BY THE MONROE COUNTRY BOARD OF COUNTY COMMISSIONERS **APPROVING** THE REQUEST FILED BY MONROE COUNTY PLANNING TO AMEND THE FUTURE LAND USE MAP (FLUM) OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN TO INCLUDE THE DESIGNATION OF CONSERVATION (C) FOR PROPERTY DESCRIBED AS ANGEL FISH KEYS, PB4-83, PART GOVERNMENT LOT 1, SECTION 8, TOWNSHIP 59 SOUTH, RANGE 41 EAST AND PART GOVERNMENT LOTS 8, 9, AND 10, SECTION 5, TOWNSHIP 59 SOUTH, RANGE 41 EAST, OCEAN REEF, KEY LARGO, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER: 00091510.000000.

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**WHEREAS**, the Monroe County Board of County Commissioners, during a regular meeting held on August 16, 2006 conducted a review and consideration of the request filed by Monroe County Planning to amend the Future Land Use Map (FLUM) to include the designation of Conservation (C) for property described as Angel Fish Keys, PB4-83, Part Government Lot 1, Section 8, Township 59 South, Range 41 East and Part Government Lots 8, 9, and 10, Section 5, Township 59 South, Range 41 East, Ocean Reef, Key Largo, Monroe County, Florida, having real estate number: 00091510.000000; and

**WHEREAS**, the Monroe County Planning Commission, during a regular meeting held on June 28, 2006 conducted a review of these same requests and recommended approval to the Board of County Commissioners; and

**WHEREAS**, the Monroe County Development Review Committee, during regular meetings held on May 23, 2006 conducted a review and consideration of these same requests and recommended approval to the Planning Commission; and

**WHEREAS**, the Board of County Commissioners examined the staff report prepared by Julianne Thomas, Planner on July 27, 2006; and

**WHEREAS**, the Board of County Commissioners makes the following **Findings of Fact**:

1. **Section 9.5-511 (d)(5)b** of the Monroe County Code (MCC) allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.
2. In accordance with **Section 9.5-511 (d) (5) (b)**:
  - (ii.) **Changed assumptions:**

ORC is a gated, private community committed to meeting the commercial and communication needs of its residents on site. As such, areas identified for



commercial development need to have the appropriate FLUM to allow commercial development.

**(iii.)Data Errors:**

These islands were inadvertently included in an IS polygon instead of the CD polygon in which they belong. They also did not receive a FLUM designation.

**(iv.)New issues**

Staff realized these islands were not given a FLUM designation

**(v.)Recognition of a need for additional detail or comprehensiveness:**

All lands should have a FLUM designation. This will both protect the land and allow for appropriate development.

3. The subject property was zoned GU prior to 1986. This designation was for a general use district with the purpose of establishing an interim land classification pending action to rezone the property for another use.
4. The subject property was assigned zoning of Native Area in 1986 but incorrectly included in an Improved Subdivision (IS) polygon.
5. The appropriate Land Use Designation for these islands is Conservation District (CD) and the appropriate Future Land Use Map designation should be Conservation (C).
6. The Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan, which took effect on January 4, 1996, neglected to provide a FLUM designation for these small native islands
7. **Section 9.5-511** prohibits any map amendments that would negatively impact community character. No negative impacts were identified.
8. **Objective 101.11** states that Monroe County shall ensure that at the time a development permit is issued, adequate public facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such development.
9. The **2005 Public Facilities Capacity Assessment Report** and the listed programs for stormwater and wastewater indicate that there are no significant concerns.

**WHEREAS,** the Board of County Commissioners makes the following **Conclusions of Law:**

1. This map amendment meets criteria (ii), (iii), (iv), and (v) outlined in Section 9.5-511 of the Monroe County Land Development Regulations.
2. This map amendment will not result in a negative impact or alter the character of the properties or the immediate vicinity.
3. Based on the Findings of Facts presented, the proposed land use designation is appropriate for this property and will allow the owners to make full use of the subject property.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA THAT:**

**Section 1.** The Board specifically adopts the findings of fact and conclusions of law stated above.

**Section 2.** The Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan shall be amended as shown in on the attached map, hereby incorporated by reference and attached as Exhibit 1.

**Section 3.** If any section, subsection, sentence, clause, item, change or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 4.** This ordinance shall be filed in the Office of the Secretary of State of the State of Florida but shall not become effective until a notice is issued by the Department of Community Affairs or Administration Commission approving the ordinance.

**Section 5.** This ordinance is hereby transmitted by the Planning Department to the Department of Community Affairs for review and comment pursuant to Chapter 163, Florida.

**Section 6.** The Monroe County Staff is authorized to prepare and submit the required transmittal letter and supporting documents for the proposed amendment in accordance with the requirements of 9J-11.011 of the Florida Administrative Code.

**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_ 2007.

Mayor Charles "Sonny" McCoy \_\_\_\_\_  
Mayor Pro Tem, Dixie Spehar \_\_\_\_\_  
Commissioner George Neugent \_\_\_\_\_  
Commissioner \_\_\_\_\_ \_\_\_\_\_  
Commissioner Glenn Patton \_\_\_\_\_

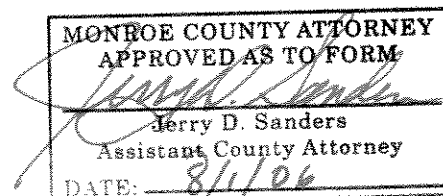
BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

BY \_\_\_\_\_  
Mayor Charles "Sonny" McCoy

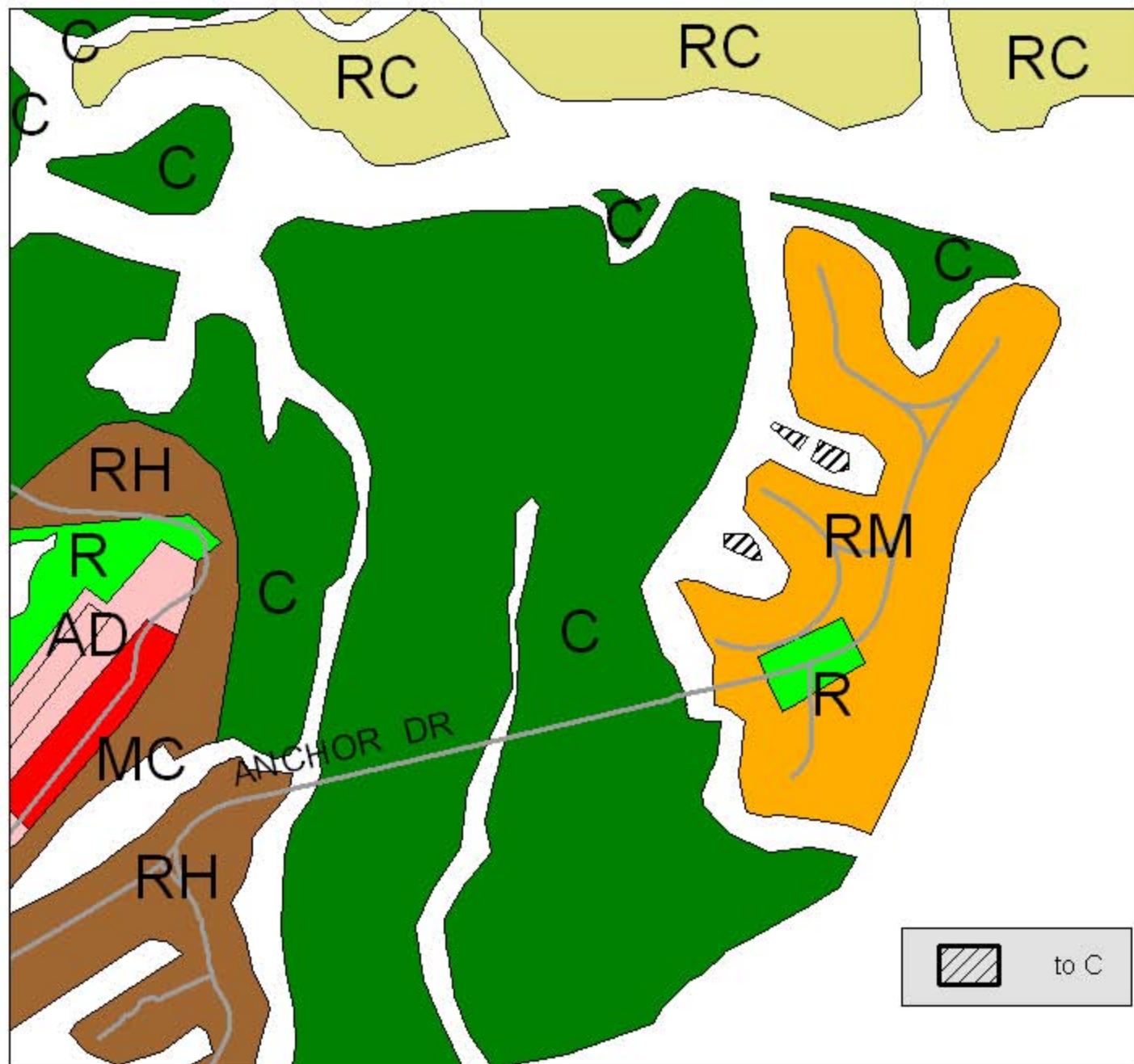
(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK

\_\_\_\_\_  
DEPUTY CLERK



## EXHIBIT 1: FUTURE LAND USE MAPS



**The Monroe County Year 2010 Comprehensive Plan  
Future Land Use Map is proposed to be amended as  
indicated above and briefly described as:**

Key: Key Largo

Mile Marker: Ocean Reef Club

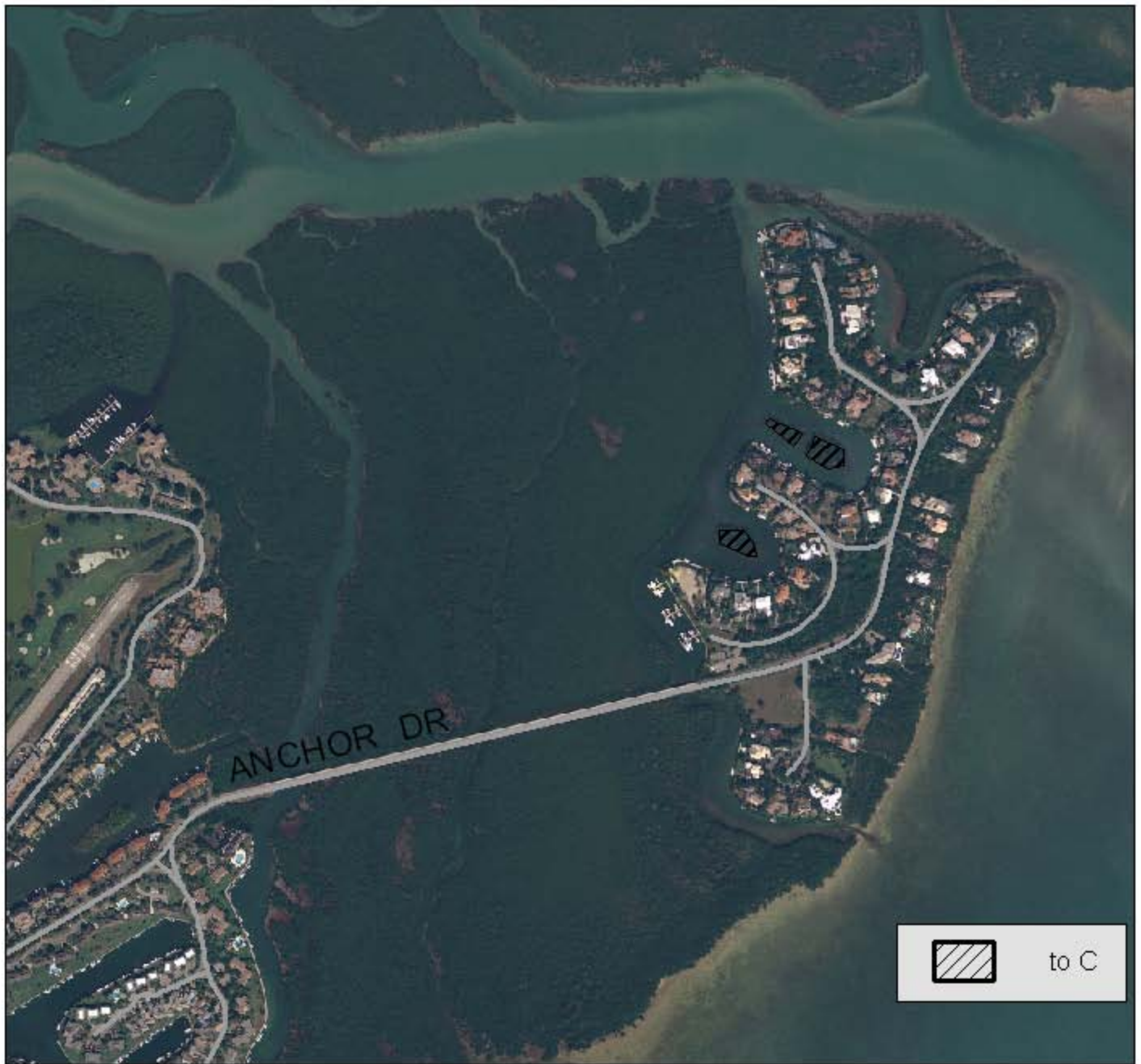
Proposal: Change Future Land Use Map Designation from  
unassigned to Conservation (C)

Property Description: RE 00091510.000000

Map Amendment:



Land Use District Map #: 51



### Proposed Future Land Use Designation Map Amendment: Aerial

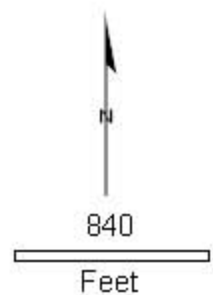
Key: Key Largo

Mile Marker: Ocean Reef Club

Proposal: Change Future Land Use Map Designation from  
unassigned to Conservation (C)

Property Description: RE 00091510.000000

Map Amendment:



Land Use District Map #: 51





### Proposed Future Land Use Designation Map Amendment: Street Map

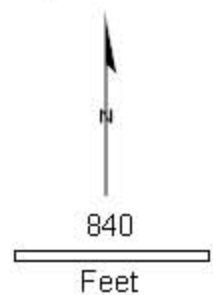
Key: Key Largo

Mile Marker: Ocean Reef Club

Proposal: Change Future Land Use Map Designation from  
unassigned to Conservation (C)

Property Description: RE 00091510.000000

Map Amendment:



Land Use District Map #: 51

BOCC ORDINANCE TO AMEND  
THE LAND USE DISTRICT MAP



**ORDINANCE NO.:**

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS **APPROVING** THE REQUEST FILED BY MONROE COUNTY PLANNING TO AMEND THE LAND USE DESIGNATION MAP FROM IMPROVED SUBDIVISION (IS) TO CONSERVATION DISTRICT (CD) FOR PROPERTY DESCRIBED AS ANGEL FISH KEYS, PB4-83, PART GOVERNMENT LOT 1, SECTION 8, TOWNSHIP 59 SOUTH, RANGE 41 EAST AND PART GOVERNMENT LOTS 8, 9, AND 10, SECTION 5, TOWNSHIP 59 SOUTH, RANGE 41 EAST, OCEAN REEF, KEY LARGO, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER: 00091510.000000.

**WHEREAS**, the Monroe County Board of County Commissioners, during a regular meeting held on August 16, 2006 conducted a review and consideration of the request filed by Monroe County Planning to amend the Land Use Designation Map from Improved Subdivision (IS) to Conservation District (CD) for property described as Angel Fish Keys, PB4-83, Part Government Lot 1, Section 8, Township 59 South, Range 41 East and Part Government Lots 8, 9, and 10, Section 5, Township 59 South, Range 41 East, Ocean Reef, Key Largo, Monroe County, Florida, having real estate number: 00091510.000000; and

**WHEREAS**, the Monroe County Planning Commission, during a regular meeting held on June 28, 2006 conducted a review of these same requests and recommended approval to the Board of County Commissioners; and

**WHEREAS**, the Monroe County Development Review Committee, during regular meetings held on May 23, 2006 conducted a review and consideration of these same requests and recommended approval to the Planning Commission; and

**WHEREAS**, the Board of County Commissioners examined the staff report prepared by Julianne Thomas, Planner on July 27, 2006; and

**WHEREAS**, the Board of County Commissioners makes the following **Findings of Fact:**

1. **Section 9.5-511 (d)(5)b** of the Monroe County Code (MCC) allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.
2. In accordance with **Section 9.5-511 (d) (5) (b):**

**(ii.) Changed assumptions:**

ORC is a gated, private community committed to meeting the commercial and communication needs of its residents on site. As such, areas identified for



commercial development need to have the appropriate FLUM to allow commercial development.

**(iii.) Data Errors:**

These islands were inadvertently included in an IS polygon instead of the CD polygon in which they belong. They also did not receive a FLUM designation.

**(iv.) New issues**

Staff realized these islands were not given a FLUM designation

**(v.) Recognition of a need for additional detail or comprehensiveness:**

All lands should have a FLUM designation. This will both protect the land and allow for appropriate development.

3. The subject property was zoned GU prior to 1986. This designation was for a general use district with the purpose of establishing an interim land classification pending action to rezone the property for another use.
4. The subject property was assigned zoning of Native Area in 1986 but incorrectly included in an Improved Subdivision (IS) polygon.
5. The appropriate Land Use Designation for these islands is Conservation District (CD) and the appropriate Future Land Use Map designation should be Conservation (C).
6. The Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan, which took effect on January 4, 1996, neglected to provide a FLUM designation for these small native islands
7. **Section 9.5-511** prohibits any map amendments that would negatively impact community character. No negative impacts were identified.
8. **Objective 101.11** states that Monroe County shall ensure that at the time a development permit is issued, adequate public facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such development.
9. The **2005 Public Facilities Capacity Assessment Report** and the listed programs for stormwater and wastewater indicate that there are no significant concerns.

**WHEREAS,** the Board of County Commissioners makes the following **Conclusions of Law:**

1. This map amendment meets criteria (ii), (iii), (iv), and (v) outlined in Section 9.5-511 of the Monroe County Land Development Regulations.
2. This map amendment will not result in a negative impact or alter the character of the properties or the immediate vicinity.
3. Based on the Findings of Facts presented, the proposed land use designation is appropriate for this property and will allow the owners to make full use of the subject property.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA THAT:**

**Section 1.** The Board specifically adopts the findings of fact and conclusions of law stated above.

**Section 2.** The Land Use Designation Map of Monroe County shall be amended as shown in on the attached map, hereby incorporated by reference and attached as Exhibit 2.

**Section 3.** If any section, subsection, sentence, clause, item, change or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 4.** This ordinance shall be filed in the Office of the Secretary of State of the State of Florida but shall not become effective until a notice is issued by the Department of Community Affairs or Administration Commission approving the ordinance.

**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_ 2007.

Mayor Charles "Sonny" McCoy \_\_\_\_\_  
Mayor Pro Tem, Dixie Spehar \_\_\_\_\_  
Commissioner George Neugent \_\_\_\_\_  
Commissioner \_\_\_\_\_ \_\_\_\_\_  
Commissioner Glenn Patton \_\_\_\_\_

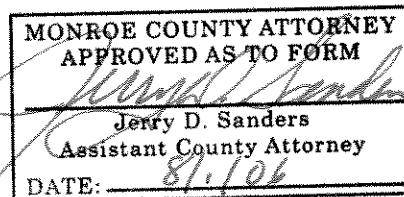
BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

BY \_\_\_\_\_  
Mayor Charles "Sonny" McCoy

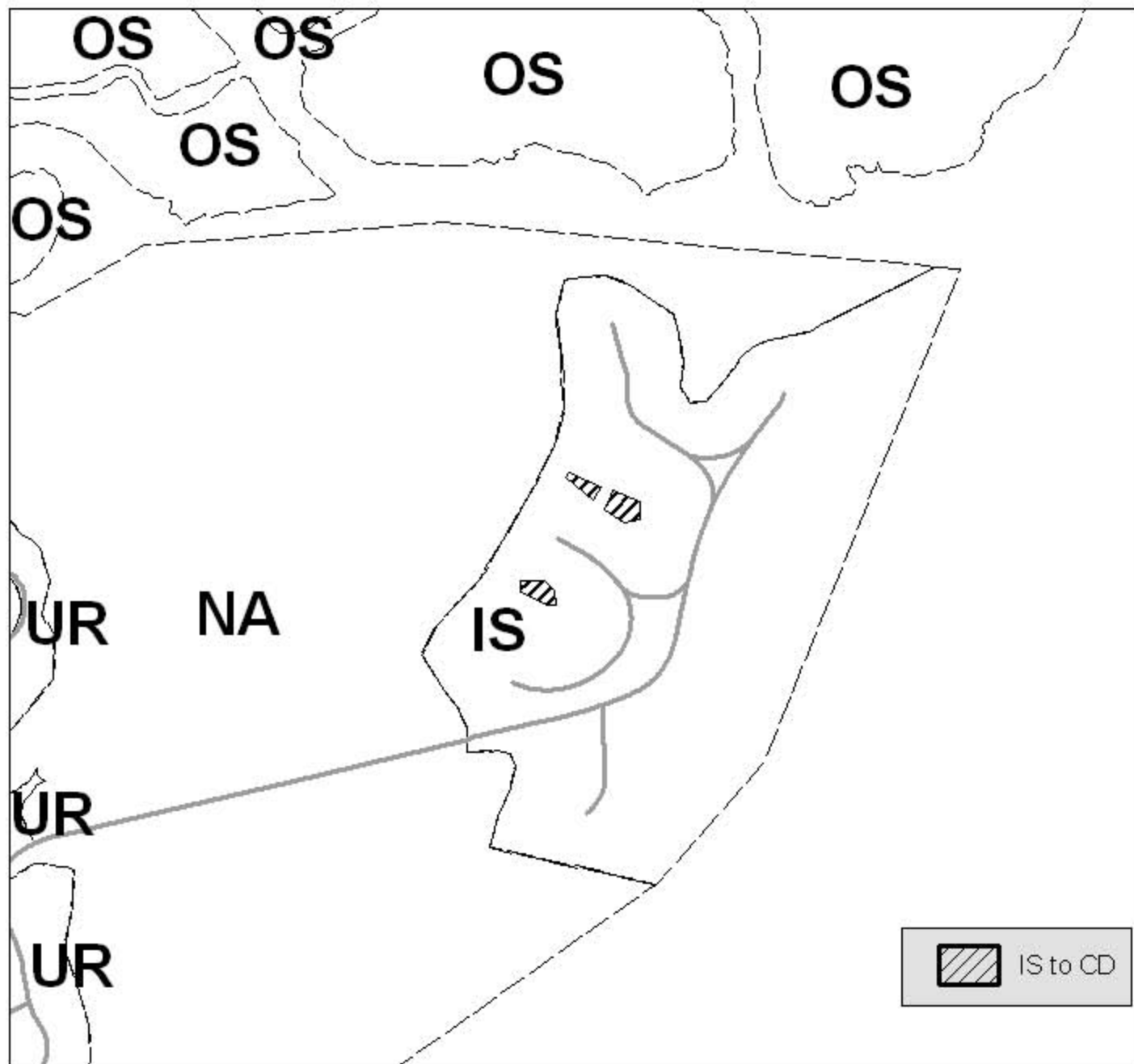
(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK

\_\_\_\_\_  
DEPUTY CLERK



## EXHIBIT 2: LAND USE DESIGNATION MAPS



**The Monroe County Land Use Map is proposed to be amended  
as indicated above and briefly described as:**

Key: Key Largo

Mile Marker: Ocean Reef Club

Proposal: Change Land Use Map Designation from  
Improved Subdivision (IS) to Conservation District (CD)

Property Description: RE 00091510.000000

Map Amendment:



Land Use District Map #: 51



### Proposed Land Use Designation Map Amendment: Aerial

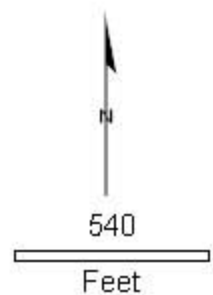
Key: Key Largo

Mile Marker: Ocean Reef Club

Proposal: Change Land Use Map Designation from  
Improved Subdivision (IS) to Conservation District (CD)

Property Description: RE 00091510.000000

Map Amendment:



Land Use District Map #: 51



### Proposed Land Use Designation Map Amendment: Street Map

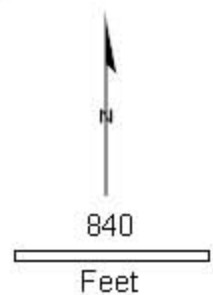
Key: Key Largo

Mile Marker: Ocean Reef Club

Proposal: Change Land Use Map Designation from  
Improved Subdivision (IS) to Conservation District (CD)

Property Description: RE 00091510.000000

Map Amendment:



Land Use District Map #: 51

## PLANNING COMMISSION RESOLUTION



**PLANNING COMMISSION RESOLUTION NO.:**

A RESOLUTION BY THE MONROE COUNTRY PLANNING COMMISSION RECOMMENDING APPROVAL TO THE BOARD OF COUNTY COMMISSIONERS OF THE REQUEST FILED BY MONROE COUNTY PLANNING TO AMEND THE FUTURE LAND USE MAP (FLUM) OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN TO INCLUDE THE DESIGNATION OF CONSERVATION (C) AND A LAND USE DESIGNATION CHANGE FROM IMPROVED SUBDIVISION (IS) TO CONSERVATION DISTRICT (CD) FOR PROPERTY DESCRIBED AS ANGEL FISH KEYS, PB4-83, PART GOVERNMENT LOT 1, SECTION 8, TOWNSHIP 59 SOUTH, RANGE 41 EAST AND PART GOVERNMENT LOTS 8, 9, AND 10, SECTION 5, TOWNSHIP 59 SOUTH, RANGE 41 EAST, OCEAN REEF, KEY LARGO, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER: 00091510.000000.

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**WHEREAS**, the Monroe County Planning Commission, during a regular meeting held on June 28, 2006 conducted a review and consideration of the request filed by Monroe County Planning to amend the Future Land Use Map (FLUM) to include the designation of Conservation (C) for property described as Angel Fish Keys, PB4-83, Part Government Lot 1, Section 8, Township 59 South, Range 41 East and Part Government Lots 8, 9, and 10, Section 5, Township 59 South, Range 41 East, Ocean Reef, Key Largo, Monroe County, Florida, having real estate number: 00091510.000000; and

**WHEREAS**, the Monroe County Development Review Committee, during a regular meeting held on May 23, 2006 conducted a review and consideration of the request filed by Monroe County Planning to amend the Future Land Use Map (FLUM) to include the designation of Conservation (C) for property described as Angel Fish Keys, PB4-83, Part Government Lot 1, Section 8, Township 59 South, Range 41 East and Part Government Lots 8, 9, and 10, Section 5, Township 59 South, Range 41 East, Ocean Reef, Key Largo, Monroe County, Florida, having real estate number: 00091510.000000; and recommended approval to the Planning Commission; and

**WHEREAS**, the Planning Commission examined the staff report prepared by Julianne Thomas, planner on June 21, 2006; and

**WHEREAS**, the Planning Commission made the following **Findings of Fact:**



1. **Section 9.5-511 (d)(5)b** of the Monroe County Code (MCC) allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.
2. In accordance with **Section 9.5-511 (d) (5) (b):**
  - (ii.) **Changed assumptions:**

ORC is a gated, private community committed to meeting the commercial and communication needs of its residents on site. As such, areas identified for commercial development need to have the appropriate FLUM to allow commercial development.
  - (iii.) **Data Errors:**

These islands were inadvertently included in an IS polygon instead of the CD polygon in which they belong. They also did not receive a FLUM designation.
  - (iv.) **New issues**

Staff realized these islands were not given a FLUM designation
  - (v.) **Recognition of a need for additional detail or comprehensiveness:**

All lands should have a FLUM designation. This will both protect the land and allow for appropriate development.
3. The subject property was zoned GU prior to 1986. This designation was for a general use district with the purpose of establishing an interim land classification pending action to rezone the property for another use.
4. The subject property was assigned zoning of Native Area in 1986 but incorrectly included in an Improved Subdivision (IS) polygon.
5. The appropriate Land Use Designation for these islands is Conservation District (CD) and the appropriate Future Land Use Map designation should be Conservation (C).
6. The Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan, which took effect on January 4, 1996, neglected to provide a FLUM designation for these small native islands
7. **Section 9.5-511** prohibits any map amendments that would negatively impact community character. No negative impacts were identified.
8. **Objective 101.11** states that Monroe County shall ensure that at the time a development permit is issued, adequate public facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such development.
9. The **2005 Public Facilities Capacity Assessment Report** and the listed programs for stormwater and wastewater indicate that there are no significant concerns.

**WHEREAS,** the Planning Commission made the following **Conclusions of Law:**

1. This map amendment meets criteria (ii), (iii), (iv), and (v) outlined in Section 9.5-511 of the Monroe County Land Development Regulations.
2. This map amendment will not result in a negative impact or alter the character of the properties or the immediate vicinity.

3. Based on the Findings of Facts presented, the proposed land use designation is appropriate for this property and will allow the owners to make full use of the subject property.

**NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA**, to recommend **APPROVAL** to the Monroe County Board of County Commissioners of the request filed by Monroe County Planning to amend the Future Land Use Map (FLUM) to include the designation of Conservation (C) and a land use designation change from Improved Subdivision (IS) to Conservation District (CD) for property described as Angel Fish Keys, PB4-83, Part Government Lot 1, Section 8, Township 59 South, Range 41 East and Part Government Lots 8, 9, and 10, Section 5, Township 59 South, Range 41 East, Ocean Reef, Key Largo, Monroe County, Florida, having real estate number: 00091510.000000.

**PASSED AND ADOPTED** by the Planning Commission of Monroe County, Florida, at a regular meeting held on the 28<sup>th</sup> day of June 2006.

Chair James D. Cameron	<u>YES</u>
Commissioner Sherry Popham	<u>YES</u>
Commissioner Randy D. Wall	<u>YES</u>
Commissioner Michelle Cates-Deal	<u>YES</u>
Commissioner Donna Windle	<u>YES</u>

PLANNING COMMISSION OF MONROE COUNTY, FLORIDA

By \_\_\_\_\_  
James D. Cameron, Chair

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2006

## DEVELOPMENT REVIEW COMMITTEE RESOLUTION



### **DEVELOPMENT REVIEW COMMITTEE**

A RESOLUTION BY THE MONROE COUNTY DEVELOPMENT REVIEW COMMITTEE RECOMMENDING APPROVAL TO THE PLANNING COMMISSION OF THE REQUEST FILED BY MONROE COUNTY PLANNING TO AMEND THE FUTURE LAND USE MAP (FLUM) OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN TO INCLUDE THE DESIGNATION OF CONSERVATION (C) AND A LAND USE DESIGNATION CHANGE FROM IMPROVED SUBDIVISION (IS) TO CONSERVATION DISTRICT (CD) FOR PROPERTY DESCRIBED AS ANGEL FISH KEYS, PB4-83, PART GOVERNMENT LOT 1, SECTION 8, TOWNSHIP 59 SOUTH, RANGE 41 EAST AND PART GOVERNMENT LOTS 8, 9, AND 10, SECTION 5, TOWNSHIP 59 SOUTH, RANGE 41 EAST, OCEAN REEF, KEY LARGO, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER: 00091510.000000.

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**WHEREAS**, the Monroe County Development Review Committee, during a regular meeting held on May 23, 2006 conducted a review and consideration of the request filed by Monroe County Planning to amend the Future Land Use Map (FLUM) to include the designation of Conservation (C) for property described as Angel Fish Keys, PB4-83, Part Government Lot 1, Section 8, Township 59 South, Range 41 East and Part Government Lots 8, 9, and 10, Section 5, Township 59 South, Range 41 East, Ocean Reef, Key Largo, Monroe County, Florida, having real estate number: 00091510.000000; and

**WHEREAS**, the Development Review Committee examined the staff report prepared by Julianne Thomas, planner on May 16, 2006; and

**WHEREAS**, the Development Review Committee made the following **Findings of Fact**:

1. **Section 9.5-511 (d)(5)b** of the Monroe County Code (MCC) allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.
2. In accordance with **Section 9.5-511 (d) (5) (b):**
  - (ii.) **Changed assumptions:**

ORC is a gated, private community committed to meeting the commercial and communication needs of its residents on site. As such, areas identified for commercial development need to have the appropriate FLUM to allow commercial development.

**(iii.)Data Errors:**

These islands were inadvertently included in an IS polygon instead of the CD polygon in which they belong. They also did not receive a FLUM designation.

**(iv.)New issues**

Staff realized these islands were not given a FLUM designation

**(v.)Recognition of a need for additional detail or comprehensiveness:**

All lands should have a FLUM designation. This will both protect the land and allow for appropriate development.

3. The subject property was zoned GU prior to 1986. This designation was for a general use district with the purpose of establishing an interim land classification pending action to rezone the property for another use.
4. The subject property was assigned zoning of Native Area in 1986 but incorrectly included in an Improved Subdivision (IS) polygon.
5. The appropriate Land Use Designation for these islands is Conservation District (CD) and the appropriate Future Land Use Map designation should be Conservation (C).
6. The Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan, which took effect on January 4, 1996, neglected to provide a FLUM designation for these small native islands
7. **Section 9.5-511** prohibits any map amendments that would negatively impact community character. No negative impacts were identified.
8. **Objective 101.11** states that Monroe County shall ensure that at the time a development permit is issued, adequate public facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such development.
9. The **2005 Public Facilities Capacity Assessment Report** and the listed programs for stormwater and wastewater indicate that there are no significant concerns.

**WHEREAS**, the Development Review Committee made the following

**Conclusions of Law:**

1. This map amendment meets criteria (ii), (iii), (iv), and (v) outlined in Section 9.5-511 of the Monroe County Land Development Regulations.
2. This map amendment will not result in a negative impact or alter the character of the properties or the immediate vicinity.
3. Based on the Findings of Facts presented, the proposed land use designation is appropriate for this property and will allow the owners to make full use of the subject property.

**NOW THEREFORE, BE IT RESOLVED BY THE DEVELOPMENT REVIEW COMMITTEE OF MONROE COUNTY, FLORIDA**, to recommend **APPROVAL** to the Monroe County Planning Commission of the request filed by Monroe County Planning to amend the Future Land Use Map (FLUM) to include the designation of Conservation (C) and a land use designation change from Improved Subdivision (IS) to Conservation District (CD) for property described as Angel Fish

Keys, PB4-83, Part Government Lot 1, Section 8, Township 59 South, Range 41 East and Part Government Lots 8, 9, and 10, Section 5, Township 59 South, Range 41 East, Ocean Reef, Key Largo, Monroe County, Florida, having real estate number: 00091510.000000.

**PASSED AND ADOPTED** by the Development Review Committee of Monroe County at a regular meeting held on the 23<sup>rd</sup> day of May, 2006.

Heather Beckmann, Sr. Planner	<u>YES</u>
Ralph Goulby, Sr. Administrator of Environmental Resources	<u>YES</u>
Joe Haberman, Planner	<u>YES</u>
Julianne Thomas, Planner	<u>YES</u>
Department of Health (by FAX)	<u>YES</u>
Department of Public Works (by FAX)	<u>YES</u>
Department of Engineering (by FAX)	<u>YES</u>

DEVELOPMENT REVIEW COMMITTEE OF  
MONROE COUNTY, FLORIDA

By \_\_\_\_\_  
Heather Beckmann, DRC Chair

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2006

## STAFF REPORT

## Memorandum

To: Board of County Commissioners

From: Julianne Thomas, Planner  
Alex Score, Biologist

Date: July 27, 2006

Re: Request for Future Land Use Map and Land Use Map Designation Amendments

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**MEETING DATE:** August 16, 2006

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**RE NUMBER:** 00091510.000000

**EXISTING FUTURE LAND USE MAP DESIGNATION:** NONE

**PROPOSED FUTURE LAND USE MAP DESIGNATION:** Conservation (C)

**EXISTING ZONING DESIGNATION:** Improved Subdivision (IS)

**PROPOSED ZONING DESIGNATION:** Conservation District (CD)

**PROPERTY OWNER:** State of Florida

**AGENT:** None

### PROPERTY INFORMATION

**Key:** Key Largo **Mile Marker:** Ocean Reef

**Size of Parcel:** 3,986,753.56 S.F. or 91.5 acres; 1.55 acres being changed

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#### **Location Detail & Brief Description:**

The property is located on Key Largo in Ocean Reef. These are small uninhabitable mangrove islands northwest of Sunrise Cay. The property is legally described as Angel Fish Keys, PB4-83, Part Government Lot 1, Section 8, Township 59 South, Range 41 East and Part Government Lots 8, 9, and 10, Section 5, Township 59 South, Range 41 East, Ocean Reef, Key Largo, Monroe County, Florida, having real estate number: 00091510.000000.

#### **Existing Use:**

The property is only used for conservation and open space purposes.

#### **Existing Habitat:**

The property is undisturbed native mangroves.

#### **Land Use and Habitat on the 1985 Existing Conditions Aerials:**

The 1985 existing conditions aerials classify this property as native vegetation.

#### **Neighboring Land Uses and Character:**

The property to the northwest is a native conservation area with a land use designation of Native Area (NA). To the southwest are single family residences in Improved Subdivision (IS) land use designation.



## **ZONING AND LAND USE HISTORY**

### **Pre – 1986 Zoning:**

The subject property was zoned GU prior to 1986. This designation was for a general use district with the purpose of establishing an interim land classification pending action to rezone the property for another use.

### **Considerations during 1986 comprehensive plan process:**

During the 1986 revisions to the Monroe County Land Development Regulations and land use designations (Ordinance 33-1986 dated February 28, 1986), the subject property was inadvertently included in the Improved Subdivision (IS) designation which covers the nearby single family homes. These small islands were not given a FLUM.

### **Consideration during the 2010 comprehensive plan Process:**

During the ensuing Comprehensive Plan process which culminated in the adoption of the Monroe County Year 2010 Comprehensive Plan in 1996, efforts were made to eliminate inconsistencies between the existing Land Development Regulations and the newly formulated Comprehensive Plan and to apply Future Land Use Map (FLUM) designations that were consistent with the land use district designations. This property was not given a FLUM and was incorrectly included in the IS land use designation polygon.

### **Map changes or boundary considerations since 1986:**

These parcels lack a FLUM designation and are incorrectly identified with an IS land use designation. These native mangrove islands are a miniscule part of a larger native wildlife preserve owned by Florida.

## **ANALYSIS AND RATIONAL FOR CHANGE (Pursuant to Section 9.5-511 (d) (5) b.)**

### **(i.) Changed projections:**

None

### **(ii.) Changed assumptions:**

None

### **(iii.) Data errors:**

Staff believes that these islands were inadvertently included in the IS polygon intended only for the nearby single family homes. The rest of this parcel – including these islands – are owned by Florida and there is no reason staff can discern that these small islands would have been given a different zoning or be used in a different way.

### **(iv.) New issues:**

Staff became aware that the FLUM was not changed for several areas in Ocean Reef that had zone changes. Staff realized these small islands were not given a FLUM designation and seeks to rectify this error.

### **(v.) Recognition of a need for additional detail or comprehensiveness:**

It is in the County's best interest for all parcels to have a FLUM that is consistent with the current land use, particularly when the land is native mangrove hammock that should be protected.

- (vi.) **Data updates:**  
None

## **IMPACT AND POLICY ANALYSIS**

### **Comparison of development potential for the Current and Proposed Land Uses:**

#### **1. Current Land development regulations (LDR's)**

The islands currently do not have a FLUM designation. They were inadvertently included in an IS polygon and staff seeks to rectify this data error.

#### **Sec. 9.5-213. Purpose of the Improved Subdivision District (IS)**

The purpose of the IS district is to accommodate the legally vested residential development rights of the owners of lots in subdivisions that were lawfully established and improved prior to the adoption of this chapter. For the purpose of this section, improved lots are those which are served by a dedicated and accepted existing road of porous or nonporous material, that have a Florida Keys Aqueduct Authority approved potable water supply, and that have sufficient uplands to accommodate the proposed use in accordance with the required setbacks. This district is not intended to be used for new land use districts of this classification within the county.

#### **2. Potential Land Uses with Proposed Map Amendment**

Staff is requesting to correct the map error which currently designates the islands as IS to designate them as Conservation District (C) and provide the corresponding FLUM of Conservation (C).

#### **Sec. 9.5-225. Purpose of the Conservation District (CD).**

The purpose of the conservation district is to provide an area acquired for conservation purposes or subject to deed restrictions limiting the use of the property for conservation purposes.

#### **Policy 101.4.15**

The principal purpose of the Conservation land use category is to provide for publicly owned lands held primarily for the preservation of natural and historic resources and compatible passive recreational uses. Public uses consistent with the purpose of this category shall be allowed.

#### **Compatibility with adjacent land uses and effects on community character:**

##### ***Density and Intensity***

Although on paper, correcting the error from IS to CD looks like a reduction is allowable uses, realistically, it is not. These are small islands which are not usable for building or permanent structures and need to be preserved as natural open space.

### **Use Compatibility**

The property is currently being used for open space, and the correction of land use designation and conferring of appropriate FLUM will have no effect on use compatibility.

### **Effects on Natural Resources Goal 102**

Goal 102 of the Year 2010 Comprehensive Plan states that Monroe County shall direct future growth to lands which are intrinsically most suitable for development and shall encourage conservation and protection of environmentally sensitive lands. These are lands that need to be protected under this goal, and correcting the land use designation and providing a FLUM of C will further this goal.

### **Effects on Public Facilities: Objective 101.11**

Monroe County shall implement measures to direct future growth away from environmentally sensitive land and towards established development areas served by existing public facilities. The proposed FLUM and Land Use District Map amendments will not affect Objective 101.11.

### **Local Traffic, Parking, and Traffic Circulation**

Staff has no evidence that there will be any local traffic, parking or traffic circulation issues created.

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

1. **Section 9.5-511 (d)(5)b** of the Monroe County Code (MCC) allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.
2. In accordance with **Section 9.5-511 (d) (5) (b):**
  - (iii) **Data Errors:**

These islands were inadvertently included in an IS polygon instead of the CD polygon in which they belong. They also did not receive a FLUM designation.
  - (iv.) **New issues**

Staff realized these islands were not given a FLUM designation
  - (v.) **Recognition of a need for additional detail or comprehensiveness:**

All lands should have a FLUM designation. This will both protect the land and allow for appropriate development.
3. The subject property was zoned GU prior to 1986. This designation was for a general use district with the purpose of establishing an interim land classification pending action to rezone the property for another use.
4. The subject property was assigned zoning of Native Area (NA) in 1986 but incorrectly included in an Improved Subdivision (IS) polygon in 1996.
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7. **Section 9.5-511** prohibits any map amendments that would negatively impact community character. No negative impacts were identified.
8. **Objective 10L.11** states that Monroe County shall ensure that at the time a development permit is issued, adequate public facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such development.
9. The **2005 Public Facilities Capacity Assessment Report** and the listed programs for stormwater and wastewater indicate that there are no significant concerns.

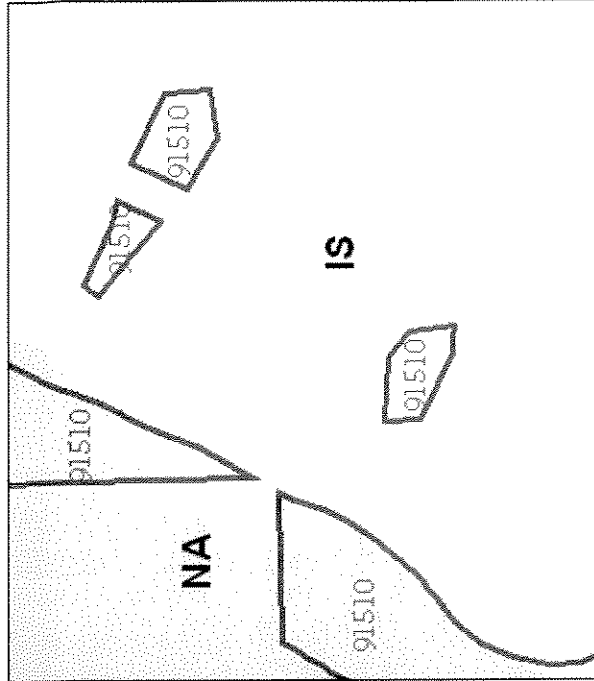
**CONCLUSIONS OF LAW:**

1. This map amendment meets criteria (iii), (iv), and (v) outlined in Section 9.5-511 of the Monroe County Land Development Regulations.
2. This map amendment will not result in a negative impact or alter the character of the properties or the immediate vicinity.
3. Based on the Findings of Facts presented, the proposed land use designation is appropriate for this property and will allow the owners to make full use of the subject property.

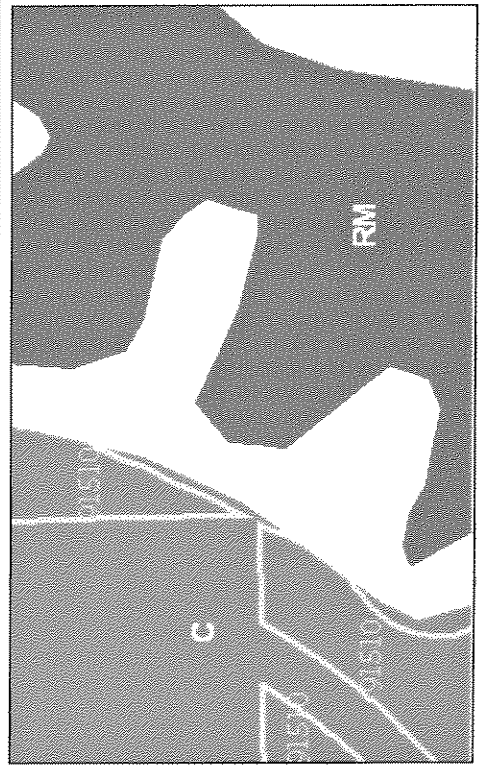
**RECOMMENDATION:**

Based on the above Findings of Fact and Conclusions of Law, staff recommends **APPROVAL** to the Board of County Commissioners to correct the Land Use Designation from Improved Subdivision (IS) to Conservation District (CD) and provide Future Land Use Map designation of Conservation(C) for RE# 00091510.000000

# Ocean Reef Map 10



The land use designation map is changing. The land use designation will change from Improved Subdivision (IS) to Conservation District (CD).



The future land use map designation is changing.

The parcel will be assigned the future land use designation of Conservation (C).